

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-210660

DATE: December 26, 1984

MATTER OF: Joe B. Knight

DIGEST: For the purpose of mileage reimbursement under Volume 2, Joint Travel Regulations, para. C2153, the terms "residence" and "place of abode" refer to the place from which an employee regularly commutes. Thus, an employee who commutes from temporary lodging to alternate work sites in the vicinity of his official headquarters is entitled to mileage only between the work sites and the temporary lodging, not between the work sites and a residence 160 miles away. Joe B. Knight, B-210660, September 27, 1983, affirmed.

This decision responds to Mr. Knight's request, through his attorney, that we reconsider our decision, Joe B. Knight, B-210660, September 27, 1983, which disallowed his claim for mileage incident to travel between his home in New Bern, North Carolina, and a duty station located in Little Creek, Virginia (about 160 miles one way). Mr. Knight was found not to be entitled to mileage for travel between his distant residence from which he did not commute daily and his alternate work site in the vicinity of his headquarters station. We affirm.

Mr. Knight has been employed for several years by the Superintendent of Shipbuilding, Conversion and Repair, United States Navy, Portsmouth, Virginia. Rather than reporting to Portsmouth or any single location, he has reported directly to several different repair facilities. Between May 1979 and March 1981, he was temporarily assigned duty at New Bern, North Carolina, approximately 145 miles from Portsmouth. During this assignment he purchased a residence in New Bern. From March through August 1981 he was assigned to the Naval Amphibious Base, Little Creek, Virginia, and beginning in September 1981 he was assigned to Norfolk Shipbuilding and Drydock Company, Norfolk, Virginia. Both Norfolk and Little Creek are less than 25 miles

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from Portsmouth. Mr. Knight states that he changed his permanent residence from the Portsmouth area to New Bern on April 30, 1981, 1 month following the termination of his assignment to New Bern. He indicates that while in the Portsmouth area he stays in various temporary lodgings.

His mileage claim is for travel between his New Bern residence and his duty station at Little Creek. In sustaining the disallowance of that claim we held in the September 23, 1983 decision that while mileage would be payable from the employee's temporary lodgings in the Portsmouth area on any day he was assigned to an alternate work site in that area, travel to and from a remote residence not related to his headquarters or alternate duty location is the responsibility of the employee.

Mr. Knight, in his request for reconsideration, claims that neither pertinent regulations nor case law exists which properly limits his mileage claims. He indicates that under Volume 2 of the Joint Travel Regulations (2 JTR), and the Supervisor of Shipbuilding travel policy and procedures instructions (SUPSHIP Portsmouth Inst. 4650.2c) mileage reimbursement is authorized upon an agency finding that an employee's use of a privately owned vehicle for official travel is advantageous to the Government. He also refers to our decision Gilbert C. Morgan, 57 Comp. Gen. 32 (1977), and the fact that other employees have been paid mileage for local travel from residences more than 25 miles from Portsmouth, as support for his position.

As was indicated in the September 27, 1983 decision, 2 JTR, para. C2153, provides that when use of a privately owned vehicle is authorized as advantageous to the Government for travel between the employee's place of abode and an alternate duty point (a duty point within or outside the employee's permanent duty station other than his regular work place) the employee is entitled to a mileage allowance based on the distance between the place of abode and the alternate duty point. The Navy has indicated that employees such as Mr. Knight whose headquarters is Portsmouth but are

assigned to various work sites in the Portsmouth area, are authorized mileage under paragraph C2153 on the basis that they are working at alternate duty locations.

Mr. Knight maintains that for the purposes of this regulation his "place of abode" is his residence in New Bern, North Carolina, rather than his lodgings in the Portsmouth area, and on that basis he is entitled to mileage-based round-trip travel to New Bern.

We have held that for the purposes of mileage reimbursement to and from a "residence" or "place of abode," those terms refer to the place from which the employee commutes daily. Mervin S. Dunham, B-197360, July 15, 1980; John C. Schwappach, B-201361, December 30, 1981. Thus, in this case the local temporary lodgings in the Portsmouth area from which Mr. Knight commuted to work should be considered his places of abode for purposes of mileage reimbursement under 2 JTR, para. C2153.

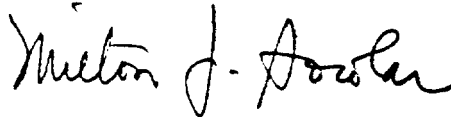
The ruling Mr. Knight refers to in Gilbert C. Morgan, 57 Comp. Gen. 32 (1977), whereby a motel room rented on an irregular basis by an employee performing work at his official station was not considered a "residence" is inapplicable to Mr. Knight's situation. Morgan did not commute from either his permanent residence or his motel room to an alternate duty station. Instead he traveled from his distant residence in Ponca City, Oklahoma, to his office in Oklahoma City, Oklahoma, his official duty station. From there he would depart to temporary duty stations. Mr. Morgan was in temporary duty travel status a majority of the time, and he would only infrequently rent a motel room in Oklahoma City when he was performing extended work at his official duty station. In his case a specific agency regulation was applied which required that where an employee does not maintain a residence within 25 miles of the corporate limits of his duty station, he is entitled to mileage computed on the distance between the destination of the trip and a point 25 miles from the corporate limits of the official duty station. Such a regulation is discretionary with the agency. Gilbert C. Morgan, 55 Comp. Gen. 1323, 1325 (1976). Mr. Knight's agency had no such regulation.

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We have previously recognized that an employee's decision to maintain a residence substantially inconvenient to his assigned duty station is a matter of personal choice for which the Government is not obligated to compensate the employee through additional mileage allowances. John C. Schwappach, B-201361, December 30, 1981; and B-176650, February 28, 1973. Mr. Knight's decision to purchase a residence in New Bern 160 miles from Portsmouth was a matter of personal choice. In these circumstances the Government has no obligation to pay him additional mileage as a result of that choice.

As to Mr. Knight's argument that some other employees of his agency have been reimbursed mileage from their residences to alternate work sites for distances greater than what would usually be considered commuting distance, the cases referred to were for 61 miles or less one way. Mr. Knight's claims, however, involve one-way mileage from New Bern, North Carolina, to Little Creek, Virginia, of 160 miles. Thus, whether or not 61 miles is within commuting distance, obviously 160 miles is not.

Accordingly, we affirm Joe B. Knight, B-210660, September 27, 1983, which sustained denial of Mr. Knight's claim for mileage reimbursement for privately owned vehicle travel between his New Bern, North Carolina, residence and alternate duty station at Little Creek, Virginia.

for 
Comptroller General
of the United States